

Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT  
WESTERN DIVISION OF WASHINGTON  
AT SEATTLE**

NAKIA CAMPBELL,

Plaintiff,

v.

FEDERAL RESERVE BANK of SAN  
FRANCISCO

Defendants.

No. 2:20-cv-00128 MJP

**THIRD STIPULATED MOTION AND  
ORDER TO AMEND ORDER  
SETTING TRIAL DATE AND  
RELATED DEADLINES**

**NOTED FOR: NOVEMBER 5, 2020**

**I. STIPULATION**

COME NOW the parties, by and through their attorneys of record, Beverly G. Grant and Jeffery D. Bradley of Beverly Grant Law Firm, PS and Arthur Simpson and Katie Rosen of Davis Wright Tremaine LLP, hereby jointly request an extension of certain pretrial deadlines and submit this Third Stipulated Motion to Amend Order Setting the Trial Date and Related Deadlines in the hope to clarify the intent of their previous motions and to respond to the Court's inquiries. Incorporated by reference, the previous stipulated motions to alter the case schedule (Dkt. 21 and Dkt. 25) and along with the Court's Orders denying the requested relief without prejudice (Dkt. 22 and Dkt. 27).

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*Beverly Grant* Law Firm, PS.

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1 The parties respectfully submit to the Court that there is good cause to amend the case  
2 scheduling order to afford them additional time to conduct discovery in an orderly, efficient, and  
3 thoughtful fashion. The parties and their counsel have not been dilatory. To date they have met  
4 all Court-issued deadlines and continue to proceed in this litigation earnestly, expeditiously, and  
5 in good faith. However, this extraordinary year has imposed upon the parties, their counsel, this  
6 Court, and the world at large incredible and unforeseen challenges.

7 Respectfully, the parties have not requested an amendment of the Court's scheduling  
8 order solely to accommodate their intention to conduct a private mediation of Plaintiff's claims  
9 against Defendant. (Dkt. 27). The parties are requesting that the Court provide them with  
10 additional time to complete discovery because much of their discovery period has overlapped  
11 the single greatest acute public health crisis in recent history. Further, the parties' counsel now  
12 have conflicting discovery and trial schedules that will render the current case schedule difficult  
13 if not impossible to meet.

14 Early on in the COVID-19 public health emergency, it was unclear whether, when, or  
15 how critical discovery such as depositions and Rule 35 examinations could be conducted safely  
16 and appropriately, and the parties lost crucial time as a result of the pandemic. This was a result  
17 of an unforeseeable public health emergency that affected all sectors of commerce across the  
18 nation, including the legal industry. The parties now respectfully request that the Court merely  
19 afford them with additional time to make up for that lost time so that their counsel can discharge  
20 their professional responsibilities as advocates in fashion that does not impose an undue burden  
21 upon the parties, their counsel, their experts, and their lay witnesses.  
22  
23

(1) Although, counsel have met the deadline for initial disclosure of expert witnesses, Defendant's psychiatric expert, Dr. Vandenberg, will be unable to conduct a Federal Rule of Civil Procedure 35 examination of Plaintiff until November 24, 2020. This was due to other conflicts in his schedule. Dr. Vandenberg will need time to examine the raw data to compile a Federal Rule of Civil Procedure 35(b) report that will be forwarded to Plaintiff's expert as well. Due to his caseload and other responsibilities in the holidays, Dr. Vandenberg will not have his Rule 35 report ready for review until December 14, 2020. Plaintiff will then have thirty (30) days to respond with a rebuttal expert. The Court noted that "Plaintiff does not identify when her experts will be prepared to present their reports in this matter if not by the October 5, 2020 cut-off" (Pg. 1, ln. 20-21). Plaintiff's rebuttal psychological expert could meet the deadline pursuant to the court rules within thirty (30) days from the date of the IME report, or shortly by January 13, 2021. The current schedule does not afford either expert sufficient time to meet the Court's discovery cutoff deadline by December 4, 2020, and meet their other obligations to interpret any raw data from the IME; and (2) Counsel each have conflicting trial schedules with very similar discovery cutoff dates and trials in May, 2021. *See* Dkt. 26 (Decl of Beverly G. Grant); and (3) In addition to their intention the mediate, the reasons that support the parties' two prior requests for deadline extensions include COVID-19 and conflicting trial and discovery schedules among counsel and experts, make it necessary to seek relief from the court of a two-month discovery extension (as well as a continuance of the trial date).

The parties and their counsel are very appreciative that the Court has a busy calendar that has trials set far into the future. The parties and their counsel do not take lightly the additional strain that their request for a continuance of case-related deadlines will place upon

this busy Court, and they do not make their joint request as a matter of course. Yet the parties do submit that there is good cause for the requested relief and humbly request that this Court afford them additional time so that they may conduct discovery in an orderly fashion and proceed to trial at a time when their counsel are not scheduled to be in other trials.

Counsel jointly seeks a modification of the following dates:

<i>Description</i>	<i>Current Dates</i>	<i>Proposed Dates</i>
Discovery motions filed by	November 4, 2020	January 20, 2021
Discovery Completed by	December 4, 2020	February 19, 2021
Dispositive Motions filed by	January 4, 2021	March 22, 2021
Motions in Limine filed by	March 29, 2021	June 14, 2021
Agreed Pretrial Order due	April 20, 2021	July 6, 2021
Trial Briefs, voir dire and proposed jury instructions	April 20, 2021	July 6, 2021
Pretrial conference	April 22, 2021 @ 1:30 pm	TBD in June 2021
Trial	May 3, 2021	July 19, 2021

DATED this 5<sup>th</sup> day of November 2020.

BEVERLY GRANT LAW FIRM, P.S.

By: /s/ Beverly G. Grant

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 Counsel for Plaintiff

DATED this 5<sup>th</sup> day of November 2020.

Davis Wright Tremaine LLP  
 Attorneys for Defendants

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## II. ORDER

Based upon the foregoing Stipulation:

IT IS SO ORDERED that the deadlines shall be extended as follows:

THIRD STIPULATED MOTION AND  
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<i>Description</i>	<i>Current Dates</i>	<i>New Dates by Order of the Judge</i>
All motions related to discovery must be filed by and noted on the motion calendar on the third Friday thereafter (see CR7(d))	November 4, 2020	January 20, 2021
Discovery Completed by	December 4, 2020	February 19, 2021
Dispositive Motions filed by and noted on the motion calendar on the fourth Friday thereafter (See CR7(d))	January 4, 2020	March 22, 2021
Motions in Limine filed by and noted on the motion calendar no earlier than the third Friday thereafter and no later than the Friday before the pretrial conference.	March 29, 2021	June 14, 2021
Agreed Pretrial Order due	April 20, 2021	July 6, 2021
Trial Briefs, voir dire and proposed jury instructions	April 20, 2021	July 6, 2021
Pretrial conference	April 22, 2021 @ 1:30 pm	July 8, 2021 at 1:30PM
Trial	May 3, 2021	July 19, 2021 10 Day Jury Trial

DATED this 6th day of November 2020.



Marsha J. Pechman  
United States District Judge

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